

MINUTES OF THE REGULAR MEETING OF THE ANKENY CITY COUNCIL

Monday, May 20, 2019 – 5:30 PM
Ankeny City Hall - City Council Chambers
410 West First Street, Ankeny, Iowa

Gary Lorenz, Mayor

Mark Holm, Mayor Pro tem

Council Members: Bobbi Bentz, Jim McKenna, Kerry Walter-Ashby, Kelly Whiting

Mayor Pro tem Holm called the meeting to order at 5:30 p.m. All Council member Walter-Ashby was absent. City Manager, David Jones and City Attorney, Amy Beattie were present.

Council member Walter-Ashby arrived at 5:32.

Mayor Pro tem Holm led the Pledge of Allegiance.

CEREMONY:

1. Special Presentation: Sally Dix, Executive Director, BRAVO Greater Des Moines presented an overview of the organization and Leslie Stratton, Language Arts Instructor and Drama Director for Ankeny Centennial High School, presented her experience with BRAVO and the impact it has had on her and her students.

A. PUBLIC FORUM:

1. Open Forum: Raul Cunarro Rodriguez, Head Soccer Coach for the Menace Academy, addressed the Council with regard to Consent Agenda Item CA-47 concerning an adult soccer league request for the painting of lines to create a soccer field in Crestbruck Park.

Mayor Pro tem Holm stated Council will be receiving and filing the letter submitted by Mr. Rodriguez and Parks and Recreation Department will be in touch with you.

Jeff Baxter, representing the Ankeny Area Chamber of Commerce, presented an update on the Chamber's activities and events.

B. APPROVAL OF AGENDA:

1. Approval of the May 20, 2019 Agenda:

Action# B1-1. Whiting made the motion to approve and accept the May 20, 2019 agenda, without amendment, seconded by Bentz.

ROLL CALL

2019-0520.B1-1 YES 5 NO 0

C. PUBLIC HEARING(S):

1. **PH 2019-39:** Proposed High Trestle Trail Extension - SW Ordnance Road to SE Magazine Road Project

Mayor Pro tem Holm opened the public hearing. Notice of this hearing was published in the Des Moines Register on the 3rd day of May, 2019.

Mark Mueller, Public Works Director, reported this project includes construction of a PCC trail along old railroad grade and under US Highway 69 by means of a cast-in-place RCB pedestrian tunnel with formliner. The project also consists of earthwork, PCC street pavement, water main, storm sewer, traffic signal modifications and other related items generally located both west and east of South Ankeny Boulevard/US Highway 69 and north of the SW Ordnance Road & South Ankeny Boulevard intersection.

The bid opening for the project was held on Tuesday May 14, 2019, at which four (4) bids were received with low bid submitted by Halbrook Excavating of Ankeny, Iowa, in the amount of \$2,228,387.75.

The Engineer's estimate for the project was \$1,753,858.00 and the bids ranged from approximately 27% to 70% above the estimate. The City's Public Works staff, the design engineering consultant and the Iowa DOT reviewed and discussed the bid results.

The High Trestle Trail Extension project is a high priority project for the City and central Iowa. Given the bid results and feedback received from contractors, the design engineering consultant and the Iowa DOT following the bid letting, Public Works recommends awarding the project to Halbrook Excavating of Ankeny, Iowa. Halbrook has previously completed major CIP projects for the City and they have the experience to undertake this project.

Action# C1-1. Walter-Ashby made the motion to close Public Hearing 2019-39, seconded by Bentz.

ROLL CALL

2019-0520.C1-1 YES 5 NO 0

2. **PH 2019-40:** Proposed Deer Creek Trunk Sewer Extension

Mayor Pro tem Holm opened the public hearing. Notice of this hearing was published in the Des Moines Register on the 3rd day of May, 2019.

Don Clark, Public Works Director, reported this project includes the construction of 30" diameter sanitary sewer, sanitary manholes, sheet piling, bank stabilization, seeding and erosion control generally located along Deer Creek between E. 1st Street and NE 18th Street within City limits.

The bid opening for the project was held on Tuesday, May 14, 2019, at which one (1) bid was received with low bid submitted by Rognes Corporation of Ankeny, Iowa, in the amount of \$ 1,981,788.00.

The Engineer's estimate for the project was \$2,105,545.00 and the bid was approximately 6.0% below the estimate. The bid results were reviewed both internally and with the project's engineering consultant. Rognes Corporation has done similar projects like this for the City in 2018 and it is recommended that the project be awarded to Rognes Corporation of Ankeny, Iowa.

Action# C2-1. Whiting made the motion to close Public Hearing 2019-40, seconded by Walter-Ashby.

ROLL CALL

2019-0520.C2-1 YES 5 NO 0

3. **PH 2019-41:** Proposed amendment to the Zoning Regulations, Chapter 192, of the Municipal Code of the City of Ankeny, by rezoning certain real estate owned by Panama Transfer from R-1 to M-1 with use restrictions.

Mayor Pro tem Holm opened the public hearing. Notice of this hearing was published in the Des Moines Register on the 10th day of May, 2019 and notices were mailed as required by law.

Eric Jensen, Planning and Building Director, reported Loren and Younghee Steenhoek and Panama Transfer are requesting an amendment to the zoning classification of approximately 5.12 acres of land generally located west of SE Delaware Avenue and south of SE 54th Street. This is the same zoning and use restrictions approved in 2012, 2013 and 2018 for the Toro, Chapman and Roger Bauer properties immediately to the east and south. The land was anticipated to change hands in mid-April to the applicant, Panama Transfer, as new owner.

Action# C3-1. Bentz made the motion to close Public Hearing 2019-41, seconded by Walter-Ashby.

ROLL CALL

2019-0513.C3-1 YES 5 NO 0

4. **PH 2019-42:** Proposed Amendment of Current Budget for the Fiscal Year Ending June 30, 2019.

Mayor Pro tem Holm opened the public hearing. Notice of this hearing was published in the Des Moines Register on the 10th day of May, 2019.

No written objections were filed and no oral objections were offered from the audience.

David Jones, City Manager, reported Amended revenues include increases in hotel/motel taxes, road use taxes, utility hookup fees and private contributions.

Amended expenditures include increases in building and equipment maintenance, hotel/motel tax commitments, land acquisition, sanitary sewer spot repair and snow removal operations. It also includes the potential close out of the City as fiscal agent to the Ankeny Community Foundation.

Action# C4-1. Whiting made the motion to close Public Hearing 2019-42, seconded by Bentz.

ROLL CALL

2019-0520.A1-1 YES 5 NO 0

D. REPORTS OF ADVISORY BOARDS AND COMMISSION:

1. Park Board Representative, Lisa McDaniel, reported on the activities of the Park Board.

E. APPROVAL OF CONSENT AGENDA:

- **Minutes**
CA - 1 Approval of official council actions of the regular meeting of May 6, 2019, as published, subject to correction, as recommended by the City Clerk.

CA - 2 Receive and file minutes of the Plan and Zoning Commission meeting of April 16, 2019.

CA - 3 Receive and file minutes of the Zoning Board of Adjustment meeting of April 16, 2019.

- **Licenses and Permits**

CA - 4 Consider motion to approve the issuance of liquor license(s) and/or beer / wine permit(s) in the City of Ankeny.

- **Finance/Budget**

CA - 5 Consider motion to receive and file Financial Reports for April 2019.

CA - 6 Consider motion to receive and file the Building Permits Report for April 2019.

CA - 7 Consider motion to receive and file Utility Billing Report for April 2019.

CA - 8 Consider motion to approve Change Order #1 increasing the contract amount by \$27,507.20 to Alliance Construction Group for construction services on the S Ankeny Blvd and SE Shurfine Dr/SW Prairie Trail Pkwy Intersection Improvements project.

CA - 9 Consider motion to approve Payment #1 in the amount of \$191,161.95 to Alliance Construction Group for construction services on the S Ankeny Blvd and SE Shurfine Dr/SW Prairie Trail Pkwy Intersection Improvements project.

CA - 10 Consider motion to approve Payment #12 in the amount of \$8,609.00 to Civil Design Advantage for engineering services on the Deer Creek Trunk Sewer Extension Design project.

CA - 11 Consider motion to approve Payment #1 in the amount of \$3,988.00 to Civil Design Advantage for engineering services on the SE Hulsizer Road Re-alignment Design project.

CA - 12 Consider motion to approve Change Order #1 decreasing the contract amount by \$3,574.84 to Communication Innovators, for construction services on the 2019 Fiber Optic Relocation at SW State St and SW Prairie Trail Pkwy project.

CA - 13 Consider motion to approve Payment #1 (final) in the amount of \$54,754.73 to Communication Innovators for construction services on the 2019 Fiber Optic Relocation at SW State St and SW Prairie Trail Pkwy project.

CA - 14 Consider motion to approve Payment #1 in the amount of \$47,627.30 to Construct, Inc., for construction services on the 2019 - PCC Street Patching Program project.

CA - 15 Consider motion to approve Change Order #5 increasing the contract amount by \$495.00 to Concrete Technologies, Inc., for construction services on the NW Irvinedale Drive and NW 5th Street Intersection Improvements project.

CA - 16 Consider motion to approve Payment #9 in the amount of \$216,897.90 to Concrete Technologies, Inc., for construction services on the NW Irvinedale Drive and NW 5th Street Intersection Improvements project.

CA - 17 Consider motion to approve Payment #1 in the amount of \$66,307.36 to Concrete Technologies, Inc., for construction services on the SW Des Moines Street - Prairie Trail to Magazine project.

CA - 18 Consider motion to approve Payment #1 in the amount of \$38,166.25 to Halbrook Excavating, for construction services on the SE East Lawn Area Utility Improvements-Phase 2 project.

CA - 19 Consider motion to approve Payment #1 in the amount of \$28,275.04 to Henriksen Contracting, LLC for construction services on the 2019 PCC Pavement Preservation Program project.

CA - 20 Consider motion to approve Payment #1 in the amount of \$106,059.80 to Herberger Construction Co., Inc., for construction services on the NE 54th Street Bridge Replacement over Branch of Fourmile Creek project.

CA - 21 Consider motion to approve Payment #19 in the amount of \$1,307.00 to HR Green, Inc., for engineering services on the NW Irvinedale Drive Reconstruction (Design) project.

CA - 22 Consider motion to approve Change Order #2 increasing the contract amount by \$9,009.65 to Kingston Services, PC for construction services on the SE Creekview Drive Utility Improvements project.

CA - 23 Consider motion to approve Payment #6 in the amount of \$34,635.32 to Kingston Services, PC for construction services on the SE Creekview Drive Utility Improvements project.

CA - 24 Consider motion to approve Change Order #1 increasing the contract amount by \$13,800.00 to J Pettiecord, for construction services on the Deer Creek Trunk Sewer Extension project.

CA - 25 Consider motion to approve Payment #1 (final) in the amount of \$64,980.00 to J Pettiecord for construction services on the Deer Creek Trunk Sewer Extension project.

CA - 26 Consider motion to approve Payment #28 in the amount of \$30,748.75 to OPN for construction services on the Ankeny Kirkendall Public Library project.

CA - 27 Consider motion to approve Amendment No. 1 to the Professional Services Agreement increasing the contract amount by \$105,000.00 with Shive-Hattery for construction engineering services on the SW Irvinedale Drive Transmission Main - Phase 1 project.

CA - 28 Consider motion to approve Change Order #15 increasing the contract amount by \$3,941.00 to Stahl Construction for construction services on the Ankeny Kirkendall Public Library project.

CA - 29 Consider motion to approve Payment #10 in the amount of \$1,008,235.95 to Stahl Construction for construction services on the Ankeny Kirkendall Public Library project.

CA - 30 Consider motion to approve Payment #5 in the amount of \$7,575.18 to SVPA Architects, Inc., for services for the Public Services Building\City Hall renovation project.

CA - 31 Consider motion to approve Payment #19 in the amount of \$10,016.38 to Veenstra & Kimm, Inc., for engineering services on the Northwest Booster Station - Design Services & Construction project.

CA - 32 Consider motion to approve the May 20, 2019 Accounts Payable from the following funds: General \$143,959.36, Road Use Tax \$55,095.81, Library Foundation \$531.59, Miracle Park \$3,000.00, Ankeny Foundation \$659.72, Solid Waste \$52,227.84, Water \$405,380.64, Sewer \$647,254.44, Stormwater \$6,194.82, Golf Course \$41,986.89, Enterprise Project \$113,081.20, Revolving \$20,981.24, Risk Mgmt \$12,370.86, Health Insurance \$107.25, Capital Projects \$1,883,129.88, Payroll \$960,906.85, Less Srvs Trnsfrs/ACH Drafts (\$174,920.31), Less Agenda Pymts Approved Separately (\$1,919,345.91), Grand Total \$2,252,602.17 (Finance Committee: K, Whiting, Chp, B. Bentz, K. Walter-Ashby)

CA - 33 Consider motion to adopt RESOLUTION 2019- 224 authorizing the build of a single axle snow plow / dump truck for the Public Works Department.

CA - 34 Consider motion to adopt RESOLUTION 2019-225 authorizing the purchase of a chassis for a Public Works Department single axle snow plow / dump truck.

CA - 35 Consider motion to adopt RESOLUTION 2019-226 authorizing the purchase of a wheel loader for the Public Works Department.

CA - 36 Consider motion to adopt RESOLUTION 2019-227 approving fiscal year 2019 fund transfers.

- **Personnel Items:** none

- **Community Development Items:**

CA - 37 Consider motion to adopt RESOLUTION 2019-228 accepting final plat, platted easements, deed to street, letter of credit for erosion control, and performance and maintenance bonds for underground improvements for ASI Industrial Park Plat 1.

CA - 38 Consider motion to adopt RESOLUTION 2019-229 approving plans and specifications and accepting contracts, performance and maintenance bonds for the construction of water main in ASI Industrial Park Plat 1.

CA - 39 Consider motion to adopt RESOLUTION 2019-230 accepting an amendment to a Public Storm Water Management Facility Maintenance Covenant And Permanent Easement Agreement Located On Lots 1 And 2, Autumn Crest Plat 6 And Lot 1, Autumn Crest Plat 7.

CA - 40 Consider motion to adopt RESOLUTION 2019-231 accepting a Public Storm Water Management Facility Maintenance Covenant and Permanent Easement Agreement located on Lots 1, 2, And 3, Autumn Crest Plat 8.

- **Engineering Items**

CA - 41 Consider motion to adopt RESOLUTION 2019-232 accepting a proposal from Precision Underground Utilities, LLC, in the amount of \$ 29,701.00 for the construction of the Fiber Optic Connection to the New Public Library.

CA - 42 Consider motion to adopt RESOLUTION 2019-233 authorizing the execution of an Agreement for Traffic Safety Improvement Program (TSIP) Funding between the Iowa Department of Transportation (Iowa DOT) and the City of Ankeny, Iowa, for the sharing of project costs for the proposed West First Street Widening and Improvements - Phase 1 project.

CA - 43 Consider motion to adopt RESOLUTION 2019-234 accepting a proposal from Henriksen Contracting, LLC in the amount of \$98,650.00 for the construction of the 2019 PCC Partial Depth Repair Program project.

CA - 44 Consider motion to adopt RESOLUTION 2019-235 accepting the corrections to the sewer defects in the Rock Creek Lateral Sewer Project.

- **Capital Improvement Projects:** none

- **Administrative Items**

CA - 45 Consider motion to receive and file correspondence received from Frank Smith Law Office dated May 9, 2019 regarding a Petition for Voluntary Annexation in the City of Altoona, Iowa.

CA - 46 Consider motion to clarify that the surety bond requirement set out in Ankeny Municipal Code 132.06 does not apply to food truck operations.

CA - 47 Consider motion to receive and file correspondence received from Raul Cunarro, Head Soccer Coach, Menace Academy, dated May 6, 2019, regarding an adult soccer league request for Crestbruck Park.

- Approval of Consent Agenda Items

1. Consent Agenda Items CA-1 through CA-47:

Action# E1-1. Whiting made the motion to approve the recommendations for Consent Agenda Items CA-1 through CA-47, seconded by Walter-Ashby.

ROLL CALL

2019-0520.E1-1 YES 5 NO 0

F. SUPPLEMENTAL AND REMOVED CONSENT AGENDA ITEMS:

1. Supplemental and Removed Consent Agenda

Action# F1-1. No action taken.

G. RECESS: none

H. LEGISLATIVE BUSINESS:

- Approval of Ordinances:

1. **Ord 1966:** An Ordinance amending the Zoning Regulations, Chapter 192, of the Municipal Code of the City of Ankeny, Iowa, by rezoning certain real estate owned by JDEV, LLC.

Action# H1-1. Whiting made the motion to accept third consideration of ORDINANCE 1966 sending it on its final passage and publication as required by law, seconded by Bentz.

ROLL CALL

2019-0520.H1-1 YES 5 NO 0

2. **Ord 1967:** An Ordinance amending the Zoning Regulations, Chapter 192, of the Municipal Code of the City of Ankeny, Iowa, by rezoning certain real estate owned by Rose Marie Reinhart. (Area A-1)

Action# H2-1. Walter-Ashby made the motion to accept second consideration of ORDINANCE 1967, seconded by Whiting.

ROLL CALL

2019-0520.H2-1 YES 5 NO 0

Action# H2-2. Bentz made the motion to accept the developer's request to suspend the rule that ordinances must be considered on three different days and accept third consideration of ORDINANCE 1967, sending it on its final passage and publication as required by law, seconded by Whiting.

ROLL CALL

2019-0520.H2-2 YES 5 NO 0

3. **Ord 1968:** An Ordinance amending the Zoning Regulations, Chapter 192, of the Municipal Code of the City of Ankeny, Iowa, by rezoning certain real estate owned by Rose Marie Reinhart. (Area A-2)

Action# H3-1. Whiting made the motion to accept second consideration of ORDINANCE 1968, seconded by Walter-Ashby.

ROLL CALL

2019-0520.H3-1 YES 5 NO 0

Action# H3-2. Whiting made the motion to accept the developer's request to suspend the rule that ordinances must be considered on three different days and accept third consideration of ORDINANCE 1968, sending it on its final passage and publication as required by law, seconded by Walter-Ashby.

ROLL CALL

2019-0520.H3-2 YES 5 NO 0

4. **Ord 1969:** An Ordinance amending the Zoning Regulations, Chapter 192, of the Municipal Code of the City of Ankeny, Iowa, by rezoning certain real estate owned by Rose Marie Reinhart. (Area B)

Action# H4-1. Whiting made the motion to accept second consideration of ORDINANCE 1969, seconded by Bentz.

ROLL CALL

2019-0520.H4-1 YES 5 NO 0

Action# H4-2. Whiting made the motion to accept the developer's request to suspend the rule that ordinances must be considered on three different days and accept third consideration of ORDINANCE 1969, sending it on its final passage and publication as required by law, seconded by Walter-Ashby.

ROLL CALL

2019-0520.H4-2 YES 5 NO 0

5. **Ord 1971:** An Ordinance vacating a portion of public right-of-way located at the intersection of SE Crosswinds Dr and SE 77th St., within the Crosswinds Business Park Planned Unit Development.

Action# H5-1. Whiting made the motion to accept second consideration of ORDINANCE 1971, seconded by Walter-Ashby.

ROLL CALL

2019-0520.H5-1 YES 5 NO 0

6. **Ord 1972 :** An Ordinance vacating a portion of a Sanitary Sewer Easement located within the Crosswinds Business Park Planned Unit Development

Action# H6-1. Walter-Ashby made the motion to accept second consideration of ORDINANCE 1972, seconded by Whiting.

ROLL CALL

2019-0520.H6-1 YES 5 NO 0

7. **Ord 1973:** An Ordinance amending the Code of Ordinances of the City of Ankeny, Iowa by revising Chapters 150 and 166 to update the requirements for the Maintenance of Street Trees and Irrigation Lines

Action# H7-1. Walter-Ashby made the motion to accept second consideration of ORDINANCE 1973, seconded by McKenna.

ROLL CALL

2019-0520.H7-1 YES 5 NO 0

8. **Ord 1974:** An Ordinance amending the Zoning Regulations, Chapter 192, of the Municipal Code of the City of Ankeny, Iowa, by rezoning certain real estate owned by Panama Transfer. (PH 2019-41)

Action# H8-1. Walter-Ashby made the motion to accept first consideration of ORDINANCE 1974, seconded by Bentz.

ROLL CALL

2019-0520.H8-1 YES 5 NO 0

I. OLD BUSINESS: none

J. NEW BUSINESS:

1. Proposed High Trestle Trail Extension - SW Ordinance Road to SE Magazine Road Project (PH 2019-39)

Action# J1-1. McKenna made the motion to adopt 1) RESOLUTION 2019-236 adopting plans, specifications, form of contract and estimate of cost (\$1,753,858.00) and enhancement of payment; 2) receive and file report of bids received May 14, 2019; and 3) adopt RESOLUTION 2019-237 making award of construction contract with Halbrook Excavating in the amount of \$2,228,387.75 for the High Trestle Trail Extension - SW Ordnance Road to SE Magazine Road Project, seconded by Bentz.

ROLL CALL

2019-0520.J1-1 YES 4 NO 1 (Whiting)

Action# J1-2. Walter-Ashby made the motion to adopt RESOLUTION 2019-238 approving construction contract and bond with Halbrook Excavating in the amount of \$2,228,387.75 for the High Trestle Trail Extension - SW Ordnance Road to SE Magazine Road Project, seconded by Bentz.

ROLL CALL

2019-0520.1-2 YES 4 NO 1 (Whiting)

2. Proposed Deer Creek Trunk Sewer Extension Project (PH 2019-40)

Action# J2-1. Walter-Ashby made the motion to adopt 1) RESOLUTION 2019-239 adopting plans, specifications, form of contract and estimate of cost (\$2,105,545.00); 2) receive and file report of bids received May 14, 2019; and 3) adopt RESOLUTION 2019-240 making award of construction contract with Rognes Corporation in the amount of \$1,981,788.00 for the Deer Creek Trunk Sewer Extension Project, seconded by Whiting.

ROLL CALL

2019-0520.J2-1 YES 5 NO 0

Action# J2-2. Whiting made the motion to adopt RESOLUTION 2019-241 approving construction contract and bond with Rognes Corporation in the amount of \$1,981,788.00 for the Deer Creek Trunk Sewer Extension Project, seconded by Walter-Ashby.

ROLL CALL

2019-0520.2-2 YES 5 NO 0

3. Proposed Amendment of Current Budget for the Fiscal Year Ending June 30, 2019 (PH 2019-42)

Action# J3-1. Whiting made the motion to adopt RESOLUTION 2019-242 amending the current budget for the fiscal year ending June 30, 2019, seconded by Walter-Ashby.

ROLL CALL

2019-0520.J3-1 YES 5 NO 0

K. ADMINISTRATIVE BUSINESS:

- Report of the City Staff:

City Manager, David Jones, reported staff had previously discussed with Council taking a tour of the new library facility and inquired as to whether Monday, June 10th at 5:30 p.m., would work for the tour. He asked council to let him know if that date and time would not work for them.

Mark Mueller presented an update on carried over construction projects.

City Manager Jones inquired as to whether Council had questions/comments concerning the information sent them regarding the development ordinance process concerning a variety of items including multi-family development materials. He requested Council review the information and let him know of possible changes so he can bring forward an action on the June 3rd agenda.

- Report of the Governing Body: All Council members stated they would be available to take the library tour on June 10th.

L. ADJOURNMENT

1. There being no further business, the meeting was adjourned at 6:45 p.m.

Debra M. Arend, Interim City Clerk

Mark Holm, Mayor Pro tem

Published in the Des Moines Register on the 4th day of June, 2019.

Audio file of meeting is available by contacting the City Clerk's Office.